

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BENJAMIN CASE,

Plaintiff,

NOTICE OF MOTION

-against-

14 Civ. 9148 (JLR) (BCM)

THE CITY OF NEW YORK, CHIEF OF DEPARTMENT
JOSEPH ESPOSITO, LIEUTENANT DAVID GROHT,
SERGEANT LAWRENCE PAPOLA, OFFICER
BENJAMIN ALMONTE, OFFICER DMITRY
TVERDOKHLEB, and OFFICER MICHAEL
MALDONADO,

Defendants.¹

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PLEASE TAKE NOTICE that upon the annexed Memorandum of Law, the Declaration of Hannah V. Faddis and supporting documents, and upon all prior pleadings and proceedings had herein, defendants will move this Court before the Honorable Jennifer L. Rochon, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York for an order granting the following *in limine* relief: 1) bifurcating plaintiff's individual and municipal liability claims; 2) precluding plaintiff from offering evidence of past unrelated complaints or civil claims; 3) precluding plaintiff from offering evidence of purported remedial measures; 4) precluding plaintiff from referring to defense counsel as City attorneys and suggesting the City may indemnify the defendant officers; 5) precluding plaintiff from requesting a specific dollar amount

¹ The parties have agreed that the caption should be amended, as follows: Mark Kushneir v. City of New York, Joseph Esposito, and Michael Maldonado.

from the jury; 6) precluding plaintiff from offering evidence of NYPD investigations, disciplinary histories, personnel files and prior lawsuits; 7) precluding plaintiff from mentioning unrelated claims of officer misconduct, including matters subject to media coverage; 8) precluding plaintiff from offering evidence or argument relating to claims that have been dismissed or withdrawn; 9) precluding plaintiff from offering evidence or argument regarding NYPD policies and procedures; and 10) amending the caption to reflect the remaining parties.

Dated: New York, New York
April 27, 2022

HON. SYLVIA O. HINDS-RADIX
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By: 

Hannah V. Faddis
Senior Counsel

CC: VIA ECF
All Counsel of Record